

### REMARKS

In the previous office action, Claims 1-10 were examined and rejected. Claims 1, and 6-9 are amended. Claims 8-9 have been rewritten in independent form. Claim 5 is canceled. No new matter is added herein as amendments to claim 1 are supported at Figures 5-9 of the Application as originally filed. Applicant respectfully requests reconsideration of Claims 1-4 and 6-10 in view of at least in the following.

#### I. Claims Rejected Under 35 U.S.C. §103

The Patent Office rejects Claims 1-10 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,696,732 to Matsuoka, et al. ("Matsuoka") and U.S. Patent No. 5,541,427 to Chappell, et al. ("Chappell") and U.S. Patent No. 5,348,899 to Dennison, et al. ("Dennison"). To render a claim obvious, all elements of that claim must be taught or suggested by at least one properly combined reference.

Applicant respectfully disagrees with the rejection above and submits that independent Claim 1 is allowable for at least the reason that the cited references do teach or suggest one of a different second dielectric layer and a second etch stop layer on the first dielectric layer and touching the conformal etch stop layer as required by Claim 1. According to Claim 1, for example, a structure may include layer 338 as shown in Figures 5 and 6, or layer 450 as shown in Figures 7-9 of the Application as originally filed.

Matsuoka describes gated device 14c in an SRAM cell having first and fourth contacts 44, 46 which either go through the dielectric layer and either stop at the etch stops or go to the gate, or a junction region 14a, b (see Figure 23 and col. 10, lines 9-35). First to fourth contacts 44 and 46, each extend only through one thickness of the dielectric. Specifically, Matsuoka teaches dielectric 20b over conformal layer 20a (see Figure 23). However, the Patent Office has not identified and Applicant is unable to find any teaching or suggestion in Matsuoka of a different second dielectric layer or a second etch stop layer on the first dielectric layer and touching the conformal etch stop layer, as required by amended claim 1.

Similarly, Dennison teaches insulating oxide 44 on the gate structure (see Figure 2). However, the Patent Office has not identified and Applicant is unable to find any teaching or suggestion in Dennison of a different second dielectric layer or a second etch stop layer on the first dielectric layer and touching a conformal etch stop layer, as required by amended claim 1.

Likewise, Chappell teaches a thin film 52 of tungsten or aluminum deposited and patterned to form electrical conductors (e.g., a patterned metallization layer) on planarized oxide 36 (see Figure 7 and column 5 lines 8-20). However, the Patent Office has not identified and Applicant is unable to find any teaching or suggestion in Chappell of a different second dielectric layer or a second etch stop layer on the first dielectric layer and touching the conformal etch stop layer, as required by amended claim 1.

Hence, for at least the additional reason that none of Matsuoka, Dennison, Chappell, teach or suggest the above noted limitation of claim 1, Applicant respectfully requests the Patent Office withdraw the rejection above.

In addition, Applicant respectfully disagrees with the rejection above and submits that independent claim 8 is allowable for at least the reason that the cited references do not teach or suggest a different second dielectric layer on the first dielectric layer and the conformal etch stop layer, as required by claim 8. An argument analogous to the one above for claim 1 applies here as well. Hence, for at least the reasons described above with respect to claim 1, Applicant respectfully requests the Patent Office withdraw the rejection above of claim 8.

Furthermore, Applicant disagrees with the rejection above and submits that independent claim 9 is allowable for at least the reason that the cited references do not teach or suggest a second etch stop layer on the first dielectric layer and the conformal etch stop layer, as required by claim 9. An argument analogous to the one above with respect to claim 1 applies here as well. Hence, for at least the reasons described above with respect to claim 1, Applicant respectfully requests the Patent Office withdraw the rejection above of claim 9.

Applicant submits that dependent claims 2-4, 6-7 and 10, being dependent upon allowable base Claim 1, are patentable over the cited reference for at least the reasons explained above. Thus, Applicant respectfully requests that the Patent Office withdraw the rejection of dependent claims 2-4, 6-7 and 10 noted above.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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#### CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.

  
Amber D. Saunders

2/16/2006  
Date